

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/18/08
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD SAWYER, on behalf of himself and all
others similarly situated

Plaintiff,

v.

CITIMORTGAGE, INC.,

Defendant.

ECF Case

No. 08 Civ. 00222 (JGK) (HBP)

STIPULATION AND ORDER

WHEREAS (i) defendant CitiMortgage, Inc. ("CMT") filed and served a notice of removal pursuant to the provisions of the Class Action Fairness Act (28 U.S.C. §§ 1332, 1441 and 1446) on January 10, 2008; (ii) CMI's time to answer or otherwise respond to the complaint was extended to March 17, 2008 by a stipulation of the parties which, as so ordered by the Court, expressly preserved any rights possessed by plaintiff Edward Sawyer ("plaintiff") to move for remand of this action; (iii) the parties have agreed to a stipulation, presently pending before this Court, extending plaintiff's time to move for remand this action by forty-five (45) days, through and including March 27, 2008; (iv) the parties wish to avoid burdening the Court with matters relating to the merits of the plaintiff's claims while the issue of whether this case will be litigated in a federal or state forum remains unresolved; and (v) apart from the stipulations previously described, no adjournment or extension previously has been sought by either party;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties to the above-captioned action, that the time for CMI to answer or otherwise respond to the complaint is extended through and including April 24, 2008.

The parties further request that the conference scheduled by this Court for March 27, 2008 at 4:30 p.m. be postponed due to a personal conflict of an attorney for CMI or, in the alternative, that the affected attorney be permitted to participate by telephone. The parties additionally advise the Court that, should the Court grant the foregoing adjournment request, April 3, 2008 would be a mutually agreeable date for both parties.

Dated: New York, New York
February 28, 2008

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SO ORDERED:

[Signature]
U.S.D.J.

3/17/08

*Conference adjourned 4/3/08
at 4⁰⁰ p.m.*

*so ordered.
for b/kelso*

3/17/08

u.s.d.j.